



## TOWN OF ENFIELD

### **Application for a Zoning Variance Zoning Board of Appeals**

The Enfield Zoning Board of Appeals (ZBA) has established procedures and applications for applying to the ZBA for a variance of a zoning ordinance.

The fee for a Variance Application of a Residential Property Zoning Ordinance is \$ 120.00.

The fee for a Variance Application of a Non-Residential Property Zoning Ordinance is \$ 185.00.

All abutting property owners must receive notification of a Variance Application by Certified Mail. Proof of mailing is to be provided to the Planning Department 3 business days prior to the Public Hearing.

The applicant is responsible for:

1. Sending the letters to the adjacent abutting property owners by certified mailing fifteen days (15) days prior to the Public Hearing.
2. A copy of the abutter's letter and proof of mailing notification is to be provided to the Planning Office three 3 days prior to the scheduled public hearing.
3. Provide (14) Fourteen scaled site plans with original seal and signature on each indicating the street address of the proposal.
4. Prominent display of Public Hearing Notice Sign(s) 10 days prior to Public Hearing. Applicant is to complete a signed affidavit.
5. Applicant must locate the proposed structure corners on the ground with stakes, or spray paint (if the location is on an impervious surface). If requesting a variance for a side yard, applicant must show the property line, required side yard, and the requested side yard variance. Failure to stake or spray paint the location will cause the postponement of your meeting date.
6. Applicant is to review and acknowledge the Land Use Application Guide.
7. Familiarization with the Actual Hardship(s) associated with your application.
8. Come prepared to discuss your hardship, per Enfield Zoning Regulations.

The application package contains:

1. The Variance Application form.
2. A copy of the deed to the property.
3. The fee associated with the application.
4. The letter to be sent to the abutting property owners.
5. Fourteen (14) copies of the site plans and any related supporting documentation i.e. photos and technical reports, etc.
6. Public Hearing signage needs to be posted 10 days prior to your hearing. A fee is associated for the signage.
7. An electronic submission of all documents received is required in either CD or USB format.

For more information and questions, please contact the Enfield Planning Office at 860.253.6355.

## TOWN of ENFIELD

## ZONING BOARD OF APPEALS – VARIANCE APPLICATION FORM

Planning Department - Town Hall - 820 Enfield Street - Enfield, CT 06082  
(860) 253-6355

A-2

File # (office use only)

**ZBA**

**FEES:** Residential **\$120.00** Non-residential **\$185.00** (All fees include current \$60 state fee)

**Application type** (check one or more of the following)☐

Residential

☐**Date of Filing** \_\_\_\_\_

Non-Residential

**Variance Type:**☐

Use

☐

Area

☐

Yards

☐

Height

☐

Building line

☐

Other

In connection with a:

☐

Proposed Building

☐

Existing Building

**Applicant Name:** \_\_\_\_\_**Phone:** \_\_\_\_\_**Home Address:** \_\_\_\_\_**E-Mail:** \_\_\_\_\_**Property Address:** \_\_\_\_\_**Relation to Property:** \_\_\_\_\_**Map:** \_\_\_\_\_ **Block:** \_\_\_\_\_ **Lot:** \_\_\_\_\_**Property ID** \_\_\_\_\_**Zone:** \_\_\_\_\_**Wetlands on Site?** ☐ Yes ☐ No**Does applicant own the property?** \_\_\_\_ Yes (attach copy of deed) \_\_\_\_ No (Submit Authorization Letter from Owner)**Property Owner's Name:** \_\_\_\_\_**Address:** \_\_\_\_\_**When was the property acquired?** \_\_\_\_\_**Provide property history:** \_\_\_\_\_**Describe your application:** (Please Print) \_\_\_\_\_**Applicable Section(s) of the Zoning Ordinance** \_\_\_\_\_**Who will be representing the application and what is the way to contact that person****NAME:** \_\_\_\_\_ **ADDRESS** \_\_\_\_\_

(phone)



(fax)



(e-mail)

**APPLICATION SUBMITTAL REQUIREMENTS:** Applicant must locate the proposed structure corners on the ground with stakes, or spray paint (if the location is on an impervious surface). If requesting a variance for a side yard, applicant must show the property line, required side yard, and the requested side yard variance. Failure to stake or spray paint the location will cause the postponement of your meeting date.

The undersigned hereby permits town staff and board members to enter onto and inspect this site during reasonable hours for the purpose of reviewing this application and accompanying plans. I hereby depose and say that all of the above statements as well as the statements contained in all papers filed herewith are true.

**Applicant signature:** \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

[Signature] \_\_\_\_\_

\_\_\_\_ Notary Public \_\_\_\_ Justice of the Peace \_\_\_\_ Commissioner of Superior Court

(Please check one)

Commission expiration date stamp ▶ \_\_\_\_\_

**DEPARTMENT DATE STAMP**

## VARIANCE

### INTRODUCTION

#### **Section 11.00B, Enfield Zoning Ordinances, Powers and Duties of the ZBA**

**Variances:** The ZBA shall have the authority to vary or adjust the strict application of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

#### **Section 11.20 Decision**

- A. No variance shall be granted by the ZBA unless it finds:
- That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
  - That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
  - That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

Subsections 11.20Ai - iii are three sections of criteria, based in statutory enabling legislation, all of which must be met to grant a variance. These ordinance subsections deal substantially with the criteria for hardship and applicability covered under statute and case law; any single subsection cannot be used alone to justify granting a variance.

The Zoning Board of Appeals must find that a legal hardship exists. A hardship exists when the Zoning Ordinance uniquely affects a parcel of land differently from other properties, and where use of the property or reasonable use of the land would be impossible without the variance. Self inflicted or financial hardships cannot, by law, be considered as a reason for granting a variance.

### APPLICATION

**What are the abutting land uses, zoning districts, and owner names (including those across the street?)**

	North	East	South	West
Land Use	_____	_____	_____	_____
Zoning Dist.	_____	_____	_____	_____

**Owner(s):**

North: \_\_\_\_\_

East: \_\_\_\_\_

South: \_\_\_\_\_

West: \_\_\_\_\_

Describe any structural alterations or construction and attach a scaled site plan and/or scaled elevation (14 copies)

**If the property has been the subject of previous applications, attach a list.**

Previous application file #(s) \_\_\_\_\_

Date(s) of decision(s): \_\_\_\_\_

**VARIANCE (cont.)**

The following five questions must be answered, in support and justification for your appeal.  
If needed, extra pages and supplemental illustrations or photographs may be used and included in the application.

**Question #1**

**What difficulty or unnecessary hardship would result if the variance were not granted (Inconvenience alone or financial loss are not undue hardships)?**

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**Question #2**

**Why is the application, as written causing undue hardship? Describe.**

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**Question #3**

**Why is the hardship different for this property and not shared by other properties in the neighborhood?**

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**Question #4**

**Is the variance requested the minimum necessary to meet the needs of the applicant or owner?**

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**VARIANCE (cont.)****Question #5**

**What effect, if any, would the variance have on your neighbors or occupants of surrounding property? For example: traffic, parking, public safety, air, water, etc.**

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When the application is submitted to the Enfield Planning Department, the applicant will be given a Public Notices sign, which is to be displayed on the property at least 10 days prior to the public hearing, clearly visible from all abutting streets.

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Applicant's Signature

Date

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Owner's Signature (If different from Applicant)

Date

List the names and addresses of owners of any land abutting or within 100 feet of any part of the land involved in the hearing. Attach extra pages as necessary.

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
_____	_____	_____

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
_____	_____	_____

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
_____	_____	_____

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
_____	_____	_____

**It is the applicant's responsibility to notify abutting landowners by certified mail. A copy of the legal notice may be used for this mailing.**

**Applicant is to review and acknowledge the Land Use Application Guide. Please contact Planning staff at (860) 253-6355 for guidance.**